

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR JANUARY 18, 2006

The Regular Meeting of the Council of Commissioners was called to order Wednesday, January 18, 2006 in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb at 7:30 p.m.

ROLL CALL

12 present, 0 absent

PRAYER

Commissioner Bury led the Commissioners in prayer

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 21, 2005 AND THE REGULAR MEETING OF JANUARY 4, 2006

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to approve the Minutes of the Regular Meeting of December 21, 2005 and the Regular Meeting of January 4th, 2006.

ITEMS NOT ON THE AGENDA

None

PUBLIC COMMENT ON ANY PUBLIC MATTER

None

CHIEF EXECUTIVE’S REPORT

Chief Executive Babb said the Strategic Planning Session is tentatively set for February 23rd. It was postponed until the new Economic Director comes on board. The position has been posted. It will close on the 23rd of this month. The interviews will be conducted right after that and have the new Economic Director on the 1st part of February.

He told he had met with Jim Smitham of the Butte Local Development Corp. and he said that he will have the draft of the business plan by the end of the month. We have a youth group that have met to go through the same exercise that we went through and we have another group that is going to meet February 2nd or 3rd and they are going to be talking about what are the most important things in our community.

Mike Rallis, an employee of the Treasurer's office, was the Employee of the Month. It was touching with this one because he was nominated by Donna Lowney who passed away before this took place.

There were some changes on the Economic Mill Levy contracts. Once we have all the information on the contracts we will get them back to Council.

Last week we did have a request about the process to go through for the Hard Rock Fund. It is being reviewed by Department Heads. He plans to meet on Friday to firm that up and then on next Monday we will run Bugs and Bullets through the process. When we meet next Wednesday, I will go through that step by step with you at the Public Works Committee.

At the TIFID meeting today, which Commissioner Lee attended, they did approve the \$80,000 from the TIFID for the Silver Bow Bridge project. They will be forwarding that on to the council.

SECTION I

PRESENTATION COMMUNICATION NO. 06-25

Dori Skrukrud, Community Development Department, requesting time on 1/18/06 agenda to make a presentation for Belmont Mine Model in Rotunda and permission to install interpretative sign

Dori Skrukrud, Community Development, told the Council that an interpretative sign has been made explaining the building of the Belmont Mine Model by Bill Burns and will be placed next to the display in the Courthouse Rotunda. She then introduced Bill and Mary Frances Burns and also Gloria Clark who did the painting behind the display. The ladies were presented with a small bouquet of flowers.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to give permission for the this sign to be placed in the rotunda and also to place Communication No. 06-25 on file.

SECTION II

PUBLIC HEARING

A PETITION TO CLOSE AND VACATE THAT PORTION OF PARROT STREET ADJACENT TO LOTS 14 AND 18 IN BLOCK 45 OF THE SOUTH

PARK ADDITION AND THE ALLEY ADJACENT TO LOTS 9 THROUGH 13 IN BLOCK 45 OF THE SOUTH PARK ADDITION. (Petition No. 05-7 being held in Public Works Committee) **Proof of publication was noted and placed on file.**

John Harrington, Building Official, gave the staff report and told Council that three easements had been requested and the Planning Department has no problem with them.

Chief Executive Babb opened the public hearing at 7:40 PM and called for proponents. Roy Morris, the petitioner, of 4801 Continental Drive came forward and explained his need for the closure and asked the council for approval.

There being no other proponents, Chief Executive Babb called for opponents. On the third and final call, there being no response, he called the public hearing closed at 7:45 PM

SECTION III

PUBLIC HEARING

FOR THE PURPOSE TO PRESENT INFORMATION RELATED TO AMENDING THE FY 05-06 BUDGET TO RECEIVE UNANTICIPATED REVENUE FROM THE MONTANA DEPARTMENT OF TRANSPORTATION. (Communication No. 06-8 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Sheriff John Walsh, explained to the Council and said this \$28,000 will be used to purchase seven in-car cameras in the department's vehicles.

Chief Executive Babb opened the public hearing at 7:46 PM and called for proponents. On the third and final call there being no response he then called for opponents. Again, there was no response so he called the public hearing closed at 7:46 PM

SECTION IV

PUBLIC HEARING

FOR THE PURPOSE OF PRESENTING AN UPDATE TO BUTTE-SILVER BOW'S PARATRANSIT PLAN. (Communication No. 05-708 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Gary Keeler, Transit Director, came to the microphone and told the council that the purpose of the public hearing was to satisfy a annual requirement to hold a public hearing and update the council regarding Butte Silver Bow's compliance with the American with Disabilities Act as it relates to public transportation. We are required to hold this public hearing because we receive Federal transit funds from the Federal Transit Administration. Butte-Silver Bow contracts with Aware, Inc. who provides the disabled transportation paratransit service and we are in

Chief Executive Babb opened the public hearing at 7:47 PM and called for any proponents. On the third and final call there being none, he called for any proponents. Again, there was no response and he called the public hearing closed at 7:48 PM.

1. COMMITTEE OF THE WHOLE MEETING REPORT
2. FINANCE AND BUDGET MEETING REPORT
3. JUDICIARY COMMITTEE MEETING REPORT
4. PUBLIC WORKS COMMITTEE MEETING REPORT
5. PERSONNEL COMMITTEE MEETING REPORT
6. RULES COMMITTEE MEETING REPORT

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner O'Leary called for "friendly amendments" to Section B, Item 3, Communication No. 05-16 and Section B, Item 4, Communication No. 05-17 to add "place on file" to his recommendations on both of these communications.

Since there was no one present from the Fire Department, it was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to concur in the request for confirmation of Mr. Ryan McCarthy as a Firefighter.

SECTION VII

ORDINANCES AND RESOLUTIONS FOR FINAL READING

1. COUNCIL BILL NO. 05-15 ORDINANCE NO. 05-15

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 359 AND CHAPTER 2.80 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC), REPLACING THE TERM FAIR BOARD WITH THE TERM FAIR COMMISSION; AMENDING SECTIONS 2.80.010 THROUGH 2.80.070, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Bill No. 05-15, Ordinance No. 05-15 on final reading and passed having been deemed fully read at length.

2. COUNCIL RESOLUTION NO. 05-105

A RESOLUTION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA (CITY-COUNTY) APPROVING AND AUTHORIZING AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT FOR THE CREATION, ESTABLISHMENT AND GOVERNANCE OF THE MONTANA PUBLIC POWER AUTHORITY BY AND AMONG THE CITY OF GREAT FALLS, THE CITY OF HELENA, THE CITY OF BOZEMAN, THE CITY OF MISSOULA AND THE CONSOLIDATED CITY-COUNTY OF BUTTE-SILVER BOW; APPROVING AND AUTHORIZING THE EXECUTION OF SUCH AMENDMENT BY THE CITY- COUNTY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 9 yeas, 3 nays and 1 abstaining to place Council Resolution No. 05-105 on final reading and passed having been deemed fully read at length. Commissioner Sorich asked for permission to be recused because he is an employee of Northwestern Energy. The Council accepted his request. Commissioner Coleman read a prepared statement explaining why he felt he could not vote for passage of this resolution. Commissioner Frasz also explained that there are two many unanswered questions and he does not feel comfortable in voting in favor of the resolution.

3. COUNCIL RESOLUTION NO. 06-1

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 11 BENNETT STREET AND MORE PARTICULARLY DESCRIBED AS LOT 18 IN BLOCK 2 OF THE LAPLATTA AND MIDNIGHT LODGE FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 06-1 on final reading and passed having been deemed fully read at length.

4. COUNCIL RESOLUTION NO. 06-2

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 412 WEST GRANITE STREET AND MORE PARTICULARLY DESCRIBED AS LOT 6 IN BLOCK 20 OF THE ORIGINAL BUTTE TOWNSITE FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 06-2 on final reading and passed having been deemed fully read at length.

5. COUNCIL RESOLUTION NO. 06-3

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 538 CALEDONIA STREET AND MORE PARTICULARLY DESCRIBED AS LOT 8 IN BLOCK 6 OF THE GAGNON ADDITION FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 06-3 on final reading and passed having been deemed fully read at length.

6. COUNCIL RESOLUTION NO. 06-4

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 621 WEST QUARTZ STREET AND MORE PARTICULARLY DESCRIBED AS THE WEST 17.5 FEET OF LOT 5 AND THE EAST 10.5 FEET OF LOT 6 IN BLOCK 2 OF THE PLYMOUTH LODGE (AN UNFILED PLAT) FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 06-4 on final reading and passed having been deemed fully read at length.

7. COUNCIL RESOLUTION NO. 06-5

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY PARTICULARLY DESCRIBED AS LOTS 6 AND 7 IN BLOCK 10 OF THE NOYES AND UPTON RAILROAD ADDITION NO. 2 FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 06-5 on final reading and passed having been deemed fully read at length.

8. COUNCIL RESOLUTION NO. 06-6

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AFTER A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-1006, MCA APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE MONTANA TOBACCO USE PREVENTION PROGRAM TO BE EXPENDED IN THE BUTTE-SILVER BOW HEALTH DEPARTMENT FOR THE PURPOSE OF ESTABLISHING TOBACCO USE PREVENTION IN THREE ADDITIONAL COUNTIES, BEAVERHEAD, DEER LODGE, AND POWELL AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VIII ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES FOR FINAL PASSAGE**

1. COUNCIL RESOLUTION NO. 06-7

2. COUNCIL RESOLUTION NO. 06-8

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ADJOURN

There being no further business to come before the Council it was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:05 PM

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER